

REMARKS

Examiner has objected to the Specification and requested the Specification be updated with respect to reference of co-pending patent application Serial Number 09/353,727. Applicant has updated the Specification as requested by Examiner.

Examiner has indicated claims 29 through 38 are allowable.

Examiner has objected to claims 2 through 28 as being dependent upon a rejected base claim. Applicant has amended claim 17 to correct the typographic error pointed out by Examiner.

Discussion of Claim 1

Examiner has rejected claim 1 under 35 U.S.C. 102 (e) as being anticipated by USPN 6,076,083 (Baker). Applicant has amended claim 1. Applicant respectfully traverses the rejection as to claim 1 as amended.

Criteria for a Rejection under 35 U.S.C. § 102

The criteria for a rejection under 35 U.S.C. § 102(b) has been clearly defined by the courts and confirmed by the U.S. Patent and Trademark Office. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown

in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Each and every element set forth in claim 1, as amended, is not found either expressly or inherently in Baker. Based on this, Applicant is traversing the rejection of claim 1.

Below, Applicant points out subject matter within claim 1 that is not disclosed by Baker. On the basis of this, Applicant believes claim 1 is patentable over Baker.

Description of Baker

Baker discloses a diagnostic system utilizing a Bayesian network model having link weights updated experimentally.

Preamble of Claim 1

Claim 1 sets out a method for validating a probabilistic diagnostic system. Baker does not disclose or suggest validating a probabilistic diagnostic system.

Baker describes implementation of a diagnostic system. See the Abstract of Baker. However, Baker does not provide any information or suggestion on how to validate a probabilistic diagnostic system. Baker does not intend to suggest a method to validate a probabilistic diagnostic system nor does Baker disclose or suggest any methodology by which a probabilistic diagnostic system could be validated.

Step (b) of Claim 1

In step (b) of claim 1, the diagnostic sequence is evaluated to determine whether the diagnostic sequence provides an acceptable resolution to a problem. This is not disclosed or suggested by Baker.

Examiner has suggested that this step is disclosed by Baker at column 7, line 65 to column 8, line 1. This is incorrect.

At column 7, line 65 to column 8, line 1, Baker describes using probabilistic inference algorithms to determine causes for a problem. Thus what is of concern to Baker at column 7, line 65 to column 8, line 1 is the *problem* itself. In step (b) of claim 1, the concern is not with *the problem* but with the *diagnostic sequence*. Specifically, step (b) of claim 1 indicates the *diagnostic sequence* (not the problem) is evaluated.

Thus Baker at column 7, line 65 to column 8, line 1 discloses using probabilistic inference algorithms to determine causes for a problem. This is different and does not disclose or suggest evaluating a diagnostic sequence to determine whether the diagnostic sequence provides an acceptable resolution to a problem, as set out in step (b) of claim 1.

Step (d) of Claim 1

In step (d) of claim 1, it is determined whether at least a predetermined number of diagnostic sequences provide an acceptable resolution. This is not disclosed or suggested by Baker.

Examiner has suggested that this step is disclosed by Baker at column 8, lines 33 through 42. This is incorrect. At column 8, lines 33 through 42, Baker discloses updating probability matrices in the Bayesian network. Again, Baker is dealing with a single problem. Baker does not disclose or suggest determining whether at least a predetermined number of diagnostic sequences provide an acceptable resolution, as in step (d) of claim 1.

Step (e) of Claim 1

In step (e) of claim 1, the diagnostic model is accepted when in step (d) it is determined that at least the predetermined number of diagnostic sequences provide an acceptable resolution. This is not disclosed or suggested by Baker.

Examiner has suggested that this step is disclosed by Baker at column 8, lines 58 through 63. This is incorrect. At column 8, lines 58 through 63, Baker discloses displaying underlying raw data collected from the network tests. This section of Baker does not disclose or suggest accepting a diagnostic model when it is determined that at least a predetermined number of diagnostic sequences provide an acceptable resolution as set out in step (e) of claim 1.

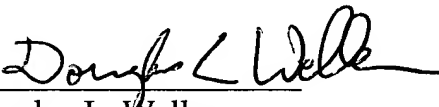
As discussed above, Baker is not concerned with validating a probabilistic diagnostic system. Therefore, Baker is not evaluating diagnostic sequences and does not disclose or suggest accepting a diagnostic model conditional on anything. It is clear therefore, that Baker does not disclose or suggest accepting a diagnostic model based on a specific condition such as when it is determined

that at least a predetermined number of diagnostic sequences provide an acceptable resolution, as set out in step (e) of claim 1.

Conclusion

Applicant believes that this Amendment has placed the present case in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
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